

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 2
FOR THE REGULAR MEETING OF
TUESDAY, FEBRUARY 12, 2002**

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCE TO BE INTRODUCED, WITH RESOLUTION TO BE ADOPTED:

ITEM-S500: Two actions related to the Medical Cannabis Voluntary Verification Card Program.

(See Medical Marijuana Task Force's 11/03/2001 memo.)

TODAY'S ACTIONS ARE:

Adopt the following resolution in Subitem A and introduce the ordinance in B:

Subitem-A: (R-2002-1035)

Accepting the recommendations of the Medical Cannabis Task Force to enact a medical cannabis voluntary verification card program to be administered by an external contracting agency.

Subitem-B: (O-2002-87 Cor. Copy)

Introduction of an Ordinance amending Chapter 4, Article 2, of the San Diego Municipal Code by adding new Division 13, Sections 42.1301, 42.1302, 42.1303, 42.1304, 42.1305, 42.1306, 42.1307, 42.1308, 42.1309, 42.1310, and 42.1311 relating to the San Diego Medical Cannabis Voluntary Verification Card Program.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 11/07/2001, PS&NS voted 4-1 to a) accept the recommendations of the Medical Marijuana Task Force adopting an ordinance enacting a medical cannabis voluntary verification card program to be administered by an external contracting agency; b) direct the City Attorney to draft appropriate ordinance language that is consistent with State law and includes appropriate penalties for the inappropriate transfer or misuse of the identification card; and c) forward the draft ordinance directly to the City Council. (Councilmembers Atkins, Stevens, Frye, and Inzunza voted yea. Councilmember Maienschein voted nay.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued):

ORDINANCE TO BE INTRODUCED, WITH RESOLUTION TO BE ADOPTED:
(Continued):

ITEM-S500 (Continued):

SUPPORTING INFORMATION:

State law expressly permits the possession and use of cannabis "for medical purposes, where that medical need is deemed appropriate and has been recommended by a physician."

Unfortunately, the law does not specify the amount of marijuana that is medically necessary or legal for possession. In the absence of clarity, both patients and doctors have been reluctant to exercise their rights under the law. While countywide law enforcement agencies have developed arrest and prosecution protocols, these internal policies are not widely disseminated. Since these guidelines are neither codified nor binding on law enforcement personnel, they fail to serve as notice to well-intentioned citizens who wish to remain law-abiding while exercising their rights as patients.

The program proposed by the City's Medical Cannabis Task Force is designed to provide reasonable community standards and processes by which to implement this law. The program would create a process for certifying appropriate medical needs, issuing identification cards to qualifying patients, and providing a 24-hour certification process for law enforcement personnel to verify the validity of any individual ID card. Within the jurisdictional limits of the City, the card would allow the bearer to be in possession of up to one ounce of marijuana without being subject to arrest for possession of marijuana.

On November 7, 2001, the PS&NS Committee reviewed the recommendation of the Medical Cannabis Task Force and voted 4-1 to: direct the City Attorney to draft appropriate ordinance language to implement the program that was consistent with State law; include penalties for the inappropriate transfer or misuse of the identification card; and to forward this draft directly to the City Council.

Russell